

RECEIVED FOR ENTRY
4:30 P. M.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

APR 10 1980

Clark *Clark*
CLERK

IN RE:)

CIVIL APPOINTMENTS PANEL)

Administrative Order No. 115

O R D E R

The attached Plan for the Civil Appointments Panel for the United States District Court for the Middle District of Tennessee is hereby adopted and incorporated by reference herein.

Before appointing a member of the Panel, the Court will consider the plaintiff's financial resources, and the efforts of plaintiff to obtain counsel, as well as whether plaintiff's claim appears to have any merit.

Upon request of a panel attorney who has accepted appointment of a case, the Clerk or her designee is hereby authorized to release the file to the appointed attorney for a period of time not to exceed one calendar week, without a Court order.

It is so ORDERED.

Thomas A. Wiseman, Jr.

THOMAS A. WISEMAN, JR.

John T. Nixon

JOHN T. NIXON

Thomas A. Higgins

THOMAS A. HIGGINS

CIVIL APPOINTMENTS PANEL PLAN
FOR THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

1. The Civil Appointments Panel (“the Panel”) is comprised of attorneys who have indicated a willingness to accept appointments from the United States District Court for the Middle District of Tennessee to represent indigent plaintiffs in cases arising under 42 U.S.C. 1983, 42 U.S.C. 2000e, and/or 29 U.S.C. 621, et seq.

2. Membership on the Panel is open to all attorneys licensed to practice law in the State of Tennessee and admitted to practice in the United States District Court for the Middle District of Tennessee, subject to the provisions for removal and reinstatement set forth herein below.

3. Membership on the Panel is solicited by periodic notice in The Docket, notification of the Middle Tennessee Chapter of the Federal Bar Association, periodic notice included in regularly scheduled mailings to Nashville Bar Association members, periodic notice in the Napier-Looby Newsletter and the L.A.W. Newsletter, and direct solicitation by Committee Members. Such solicitation and recruitment efforts will be geared toward forming a Panel with a sufficient membership to assure no more than two appointments per attorney, per year.

4. The Panel consists of three Sections, one for each of the types of cases for which appointments may be made. The Section to which appointments are made of cases arising under 42 U.S.C. 1983 is the “Civil Rights” Section. The Section to which appointments are made of cases arising under 42 U.S.C. 2000e is the “Title VII” Section. The Section to which appointments are made of cases arising under 29 U.S.C. 621 et seq. is the “Age Discrimination” Section. An attorney who applies for membership on the Panel, as described herein below, shall specify on the application form provided by the District Court Clerk, the particular Section(s) of the Panel in which he/she desires to enroll. An attorney may enroll in as many Sections as he/she desires. While there are no formal qualification requirements for enrollment, it is expected that all attorneys will observe the ethical mandates of the Code of Professional Responsibility in assessing their competence to handle specific types of cases.

5. Initial membership on the Panel is effected by completion by the attorney of an application form and the filing of the application with the District Court Clerk. Application forms are available in the District Court Clerk’s Office. Upon receipt of a completed application, the Clerk will verify that the applicant possesses the qualifications specified herein above, and upon such verification, will enter the attorney’s name in the appropriate Section(s) of the roll of Panel members which is maintained by the Clerk. Entry of names on the Panel roll are made in the order in which applications are received, processed, and verified by the Clerk. Upon verification and entry on the Panel roll of an applicant’s name, the Clerk will send written notice to the applicant of his/her acceptance as a Panel member, specifying the Section(s) in which the applicant has been enrolled.

6. Prior to the District Court making an appointment in a given case, an initial screening of the pleadings and other papers on file in the case will be conducted by the District Court Judge before whom the case is pending. Such screening may be referred by the Judge to an appropriate designee for recommendation, including, but not limited to, a United States Magistrate. The standard applied by the District Court Judge prior to appointing a member of the Panel is that the case “may have merit.”

7. Cases deemed by the District Court to be appropriate for appointments are referred to a designee in the office of the District Court Clerk. This designee maintains the roll of Panel members in each Section and contacts such members for the purpose of prospective appointments on a rotating basis. Panel members are free to decline appointment; however, the option to decline appointment must be exercised by the Panel member prior to his/her review of the Court file or investigation of the factual circumstances of the case.

8. If a Panel member declines appointment on three consecutive occasions (irrespective of which Section the appointments may arise under), his/her name will be removed from the Panel roll. After the expiration of one (1) year, any attorney who has been removed from the Panel roll as a result of this procedure will be afforded the opportunity to be reinstated to the Panel upon application in accordance with the procedures set forth herein above. Moreover, at the direction of a District Court Judge, any attorney may be removed from the Panel roll.

9. Subsequent to appointment, the District Court Clerk designee will provide the appointee, in writing, the name, address, and telephone number of the plaintiff, as well as the name, address, and telephone number of all attorneys of record in the case. The appointee will be afforded the opportunity to review the file on record with the District Court Clerk, and to check the file out from the Clerk’s office for a period not to exceed one week, in order to further review and copy its contents. The District Court Clerk designee will notify the appropriate District Court Judge of the appointee’s acceptance, and an Order reflecting the appointment will be entered by the District Court.

10. If an appointed attorney seeks withdrawal as attorney of record subsequent to his/her appointment, the standard to be applied by the District Court Judge regarding withdrawal will be identical to the standard applied in any other case, although due regard for the circumstances in each case will be given.

11. Although the nature of the cases for which the Panel has been created are, by statute, potentially fee generating, the Committee does not contemplate payment of fees or recovery for expenses by a Panel appointee beyond that which may be obtained by statute, or pursuant to private agreement between the appointee and his/her client.

12. A copy of this Plan will be provided by the District Court Clerk to each member of the Panel and to any attorney requesting information regarding the Panel.

APPLICATION FOR CIVIL APPOINTMENTS
IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

ATTORNEY'S NAME: _____

(Please type or print)

ADDRESS: _____

PHONE: _____

I hereby apply for membership on one or more of the sections, listed below, of the Civil Appointments Panel. I understand that, upon approval of my application, I may be appointed by the Judges or Magistrates of this District to represent indigent plaintiffs in the following cases:

Check 1, 2, and/or 3 of the following cases:

___ Civil Rights cases arising under 42 U.S.C. 1983 (Civil Rights Section)

___ Employment discrimination cases arising under 42 U.S.C. 2000e, et seq. (Title VII Section)

___ Age Discrimination in Employment cases arising under 29 U.S.C. 621 et seq. (Age Discrimination Section)

I certify that I have read the Plan for the Civil Appointments Panel and that I will comply with its terms. I further certify that I am a member in good standing of the bar of the United States District Court for the Middle District of Tennessee and that I have not been previously removed from the Panel within the past twelve (12) months.

Signature: _____ Date: _____